

YOUNG CONAWAY STARGATT & TAYLOR, LLP

Rockefeller Center
1270 Avenue of the Americas, Suite 2210
New York, New York 10020
Telephone: (212) 332-8840
Facsimile: (212) 332-8855
Matthew B. Lunn (mlunn@ycst.com)
Justin P. Duda (jduda@ycst.com)

*Special Counsel for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

CACEIS BANK LUXEMBOURG and CACEIS
BANK,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 11-02758 (SMB)

**TRUSTEE'S SUPPLEMENTAL DESIGNATION
OF ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**

Irving H. Picard (the “Trustee”), as trustee of the substantively consolidated estate of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act (“SIPA”), 15 U.S.C. §§ 78aaa, *et seq.*, and Bernard L. Madoff, individually, hereby submits, pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure and Rule 8009-1 of the Local Bankruptcy Rules for the Southern District of New York, this supplemental designation of items to be included in the record on appeal with respect to the Trustee’s appeal in the above-captioned adversary proceeding (the “Adversary Proceeding”) of the Stipulated Final Order Granting Motion to Dismiss Complaint (the “Final Judgment”) before the United States Court of Appeals for the Second Circuit.¹ This supplemental designation is an addendum to the Trustee’s Statement of Issues to be Presented and Designation of Items to be Included in the Record on Appeal, filed in this Adversary Proceeding on March 28, 2017 (ECF No. 114).

I. Designation of Items to be Included in the Record on Appeal

The Trustee further designates for inclusion in the record on appeal the following items:²

Designation No. 100: Notice of Agenda for Matters Scheduled for Hearing On March 29, 2017 filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC with hearing to be held on 3/29/2017 at 10:00 AM at Courtroom 723 (SMB). *Sec. Investor Prot. Corp. v. Bernard L. Madoff Inv. Sec. LLC (In re BLMIS)*, Adv. Pro. No. 08-01789 (SMB) (Bankr. S.D.N.Y., filed Mar. 28, 2017), ECF No. 15453.

Designation No. 101: Transcript for Hearing Held on March 29, 2017, regarding the Trustee's Request for Certification of Judgment for Direct Appeal to the United States Court of Appeals for the Second Circuit Pursuant to 28 U.S.C. 158(d)(2) and Fed. R. Bank. P. 8006(f), filed by David J. Sheehan on behalf of the Trustee in *Picard v. ABN AMRO Bank N.V.*, Adv. Pro. No. 11-02760 (SMB) (Bankr. S.D.N.Y.). *Sec. Investor Prot. Corp. v. Bernard L. Madoff Inv. Sec. LLC (In re BLMIS)*, Adv. Pro. No. 08-01789 (SMB)

¹ The Trustee and all the defendants in this Adversary Proceeding have agreed pursuant to 28 U.S.C. § 158(d)(2)(A)(iii) to certify this appeal to the United States Court of Appeals for the Second Circuit. If, however, the United States Court of Appeals for the Second Circuit does not authorize a direct appeal, the Trustee appeals the Final Judgment, in the alternative, to the United States District Court for the Southern District of New York pursuant to 28 U.S.C. § 158(a)(1).

² The Trustee submits this Supplemental Designation of Items to be Included in the Record on Appeal within the time frame required under Federal Rule of Bankruptcy Procedure 8009.

(Bankr. S.D.N.Y.), ECF No. Pending. Annexed hereto as Exhibit 1 is a copy of the order requesting a copy of the transcript.

Dated: March 30, 2017
New York, New York

By: /s/ Matthew B. Lunn
YOUNG CONAWAY STARGATT &
TAYLOR, LLP
Rockefeller Center
1270 Avenue of the Americas, Suite 2210
New York, New York 10020
Telephone: (212) 332-8840
Facsimile: (212) 332-8855
Matthew B. Lunn
Email: mlunn@ycst.com
Justin P. Duda
Email: jduda@ycst.com

*Special Counsel for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff Investment
Securities LLC and the Estate of Bernard L.
Madoff*